



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1991

Mr. Riley J. Simpson
City Attorney
P.O. Box 111
Copperas Cove, Texas 76522

OR91-517

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13793.

The City of Copperas Cove (the city) has received a request for information from the Copperas Cove Chamber of Commerce (the chamber of commerce) relevant to a local event, the Rabbit Fest. You advise us that the city has already made available all information in its possession which relates to its transactions with the chamber of commerce pertaining to the Rabbit Fest. You claim, however, that information possessed by the chamber of commerce is not subject to the Open Records Act and that the Chamber of Commerce is not a "governmental body" as defined in section 2(1)(F) of the act.

Previous open records decisions issued by this office resolve your request. Open Records Decision No. 558 (1990) held that a governmental body is not ordinarily required to obtain information not in its possession. *See also* Open Records Decision Nos. 518 (1989); 499 (1988). Only if records are maintained by a consultant, but the governmental body is entitled to examine them, are such records subject to the Open Records Act. *See generally* Open Records Decision Nos. 558; 518.

You advise us that you have disclosed all of the requested information except that which is in the possession of the Chamber of Commerce. It is clear from the facts that the Chamber of Commerce is not acting as an agent for the city, the way

an attorney or consultant might. Accordingly, we conclude that you are not required to obtain and disclose records which are in the possession of the Chamber of commerce. We therefore, will not consider whether the Copperas Cove Chamber of Commerce is a governmental body subject to the Open Records Act.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-517.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/GK/lcd

Enclosures: Open Records Decision Nos. 558, 518

Ref.: ID# 13793

cc: Mr. Bernard A. Hopkins
2302 Post Oak Circle
Copperas Cove, TX 76522